

Appl. No. 09/766,726
Carolyn Pianin
Response to Non-Final Office Action

REMARKS

Applicant and the undersigned thank the Examiner for the careful review of this application. Claims 1-4 and 11-26 have been rejected by the Examiner. Claims 1, 3, 12 and 20 have been amended herein. Upon entry of the amendments contained herein, Claims 1-4 and 11-26 remain pending in this application. The independent claims are Claims 1, 12 and 20. Consideration of the present application is respectfully requested in light of the above amendments and the following remarks.

I. Rejections Under 35 U.S.C. Sec. 112

In the Office Action mailed on August 28, 2007, the Examiner rejected Claims 1-4 and 11-26 under 35 U.S.C. Sec. 112, second paragraph, as being vague and indefinite. Applicant respectfully traverses the Examiner's rejections under Section 112 and submits that the claims as previously presented were not vague and indefinite. Nonetheless, in order to expedite prosecution of this application, Applicant has presented claim amendments to address these rejections.

First, the Examiner contends that "it is not clear whether the matching of the service provider with the request criteria is performed using the service provider criteria stored in the computer system, or, service provider criteria is requested every time there is a service request criteria received." (Office Action, p. 3.) Applicant has submitted with this response amendments to Claims 3, 12, and 20 making clear that the service provider criteria is stored when it is requested. Support for these amendments can be found in Figure 1 and the related discussion found, for example, at page 8, lines 8-22 of the specification. Accordingly, Applicant submits that these amendments address the Examiner's rejection.

Second, the Examiner asserts that Applicant has "not positively claimed how the services provider is identified when there are [a] plurality of service providers who can fulfill the request criteria." (Office Action, p. 3.) Applicant has submitted with this response amendments to Claims 3, 12, and 20 clarifying that there may be one or more service providers matching the request criteria. Support for these amendments can be found at page 15, lines 18-22, page 22, lines 14-24, and Figures 5c and 6c of the specification. Applicant submits that these amendments address the Examiner's rejection.

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Finally, the Examiner contends that Applicant has not positively claimed "how the claimed invention fulfills the request criteria when the request criteria has [a] plurality of services for the same real estate property." Applicant submits that no clarification of the claims is necessary with respect to this rejection. Each of independent Claims 1, 12, and 20 recites receiving a request concerning a commercial real estate service. Independent Claims 1, 12, and 20 do not recite request criteria for a plurality of services. Therefore, Applicant requests that the Examiner withdraw this rejection.

II. Rejections Under 35 U.S.C. Sec. 103

The Examiner rejected Claims 1-4 and 11-26 under 35 U.S.C. Sec. 103 as obvious in view of the combination of U.S. Patent No. 6,351,738 to Clark and the archived web pages of HomeGain.com. Applicant respectfully submits that independent Claims 1, 12, and 20, as amended herein, are patentably distinct from the Clark and HomeGain references, taken alone or in combination.

The Clark reference discloses an e-commerce system having a website accessible by business entities. A business entity can use the system in Clark to select a supplier to which the business entity can issue a purchase request. When the independent business entity enters a purchase request to the selected supplier, the e-commerce system forwards the request to the selected supplier, and the selected supplier sends the requested goods or services directly to the business entity.

Applicant submits that Clark does not teach or suggest receiving a request for information regarding a commercial real estate service available from the service providers, wherein the request comprises criteria that both identifies a property and identifies a requested service. Clark merely teaches an e-commerce system that provides a website accessible by business entities and that provides information about suppliers. The business entities can choose a supplier from those identified at the website. However, Clark does not teach or suggest receiving a request that comprises criteria defining both a property and the requested service.

The HomeGain reference fails to provide the teachings missing from Clark that would render obvious independent Claims 1, 12, and 20, as amended. The Examiner refers to the statement at page 26 in the HomeGain reference that "[m]ember agents receive an e-mail every time a new listing becomes available in their selected zip codes." While the HomeGain

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reference may prompt agents based on the location of a new listing, HomeGain does not teach performing a matching based on criteria that identifies both the property and the requested service.

Furthermore, neither of the Clark or HomeGain references, taken alone or together, teaches publishing the requested information at the virtual marketplace based on the criteria identifying both the property and the requested service. The Examiner refers to page 25 of the HomeGain reference that states the agent can provide a link to their own webpage. However, Applicant submits that providing a link to a webpage is not publishing requested information based on the criteria recited in independent claims 1, 12, and 20, as amended. The HomeGain reference operates differently from the methods in the independent claims in that agents review postings from property sellers and decide whether to respond to the sellers with detailed proposals. (See HomeGain reference, pp. 3, 4, 5, 8-9.) Thus, in the HomeGain system, instead of a computer-implemented method for publishing the requested information based on criteria that identifies both the property and the requested service, the agent using the HomeGain system interacts with the system and decides whether to respond with a proposal.

Clark fails to teach or suggest publishing the requested information at the virtual marketplace in response to receiving the request for information and based on the request criteria, where the criteria identify both the property and the requested service. As identified above, Clark does not teach receiving a request for information. Instead, Clark allows a business entity to enter a purchase request at the e-commerce system, which forwards that purchase request to a supplier. In response to the purchase request, the supplier processes the order and provides the goods or services directly to the business entity.

In summary, the Clark and HomeGain references fail to teach: 1) receiving a request criteria; 2) performing a matching based on the request criteria; and 3) publishing the requested information at the virtual marketplace based on the request criteria, where the request criteria identify both the property and the services requested.

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III. Rejection of Dependent Claims

Each of Claims 2-4, 11, 13-19, and 21-26 depends directly or indirectly from one of the independent claims discussed above. Accordingly, for at least the reasons discussed above with respect to the independent claims, Applicant submits that the dependent claims are likewise patentable over at least the cited references. The dependent claims also recite additional features that further define the claimed invention over the cited references. Accordingly, Applicant requests separate and individual consideration of each dependent claim.

Applicant has not addressed each specific rejection of the dependent claims because Applicant submits that the independent claims are allowable over the documents of record, as discussed above. Applicant has not acquiesced to any such rejections and reserves the right to address the patentability of any additional claim features in the future.

CONCLUSION

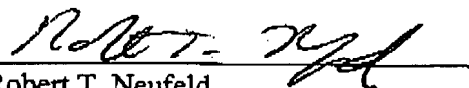
No fees are believed to be due in connection with this response. The Commissioner is authorized to charge any underpayment of fees to Deposit Account No. 11-0980.

Applicant submits the foregoing as a full and complete response to the Office Action mailed August 28, 2007. Applicant and the undersigned thank the Examiner for considering these amendments and remarks. Applicant submits that this response places the application in condition for allowance and respectfully requests such action. If any issues exist that can be resolved with an Examiner's Amendment or a telephone conference, please contact Applicant's undersigned attorney at (404) 572-3505.

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Respectfully submitted,

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